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**BEFORE THE MINNESOTA  
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of  
Sharon M. Horihan, EMT  
Certificate No. 934106

**STIPULATION AND CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between Sharon M. Horihan, Emergency Medical Technician ("EMT") ("Respondent"), and the Complaint Review Panel ("Review Panel") of the Minnesota Emergency Medical Services Regulatory Board ("Board") as follows:

**JURISDICTION**

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which she holds a certificate as an EMT in the State of Minnesota.
2. Respondent has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. The Review Panel is represented by Gregory J. Schaefer, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2131, telephone (651) 757-1366.

**FACTS**

3. For the purpose of this Stipulation, the parties may consider the following facts as true:
  - a. The Board certified Respondent as an EMT on May 12, 2006.
  - b. Respondent failed to disclose to the Board her June 2001 Misdemeanor conviction for Driving Under the Influence ("DUI").

c. On March 25, 2013, Respondent was convicted of Misdemeanor Driving While Impaired (“DWI”) and a blood alcohol level at .08 within two hours, pursuant to Minnesota Statutes section 169A.20. Respondent was placed on probation until March 25, 2015.

d. On August 7, 2013, Respondent disclosed to the Board her March 2013 Misdemeanor conviction for DWI. Respondent’s disclosure was unrelated to the renewal of her certification.

e. On August 8, 2013, the Board sent a letter and a questionnaire to Respondent to complete and return regarding the March 2013 DWI conviction. Respondent did not respond to the questionnaire until December 9, 2013.

f. On June 28, 2013, an alcohol and drug assessment was completed with a diagnosis of alcohol abuse.

## **STATUTES**

4. The Review Panel views Respondent's conduct as inappropriate in such a way as to justify Board action under Minnesota Statutes section 144E.28, subdivisions 4 and 5(a)(2), (3), (4), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify disciplinary action under these statutes.

## **DISCIPLINARY ACTION**

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

### **A. Voluntary Surrender**

5. The Board accepts Respondent’s **VOLUNTARY SURRENDER** of her EMT certificate. Respondent shall not engage in any act which constitutes the practice of emergency medical services and shall not imply by words or conduct that Respondent is authorized to do so.

6. Respondent shall surrender to the Board her EMT certificate. Respondent shall personally deliver or mail the certificate to the Minnesota Emergency Medical Services Regulatory Board, c/o Pamela Biladeau, Executive Director, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414, within ten days of the date of this Order.

7. Respondent shall comply with the laws and rules of the Board. Respondent agrees that failure to comply with the Board's laws and rules shall be a violation of this Stipulation and Consent Order.

#### **B. Reinstatement of Certification**

8. Respondent may petition for reinstatement of her EMT certificate when she is able to demonstrate by a preponderance of the evidence that she is capable of performing emergency medical services in a fit and competent manner. At the time of Respondent's petition, Respondent shall meet with a Review Panel. The meeting with the Review Panel shall be scheduled after Respondent has complied with, at a minimum, the following:

a. ***Certification/Recertification Requirements.*** Respondent shall meet all recertification requirements in effect at the time of her petition for reinstatement, including but not limited to completing the appropriate application, paying the requisite fees, and completing any necessary continuing education requirements.

b. ***Additional Information.*** Respondent shall provide any additional information relevant to her petition reasonably requested by the Review Panel.

9. The Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement pursuant to paragraph 8 above, take any of the following actions:

a. Issue an EMT certificate to Respondent;

b. Issue an EMT certificate to Respondent with limitations upon the scope of Respondent's practice and/or with conditions for Respondent's practice; or

c. Deny Respondent's request for issuance of an EMT certificate based upon her failure to meet the burden of proof.

#### **ADDITIONAL TERMS**

10. Within seven days of any change, Respondent shall provide the Board with her current address and telephone information. The information shall be sent to Pamela Biladeau, Executive Director, Emergency Medical Services Regulatory Board, University Park Plaza, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

11. This Stipulation, related investigative reports, and other documents shall constitute the entire record of the proceeding upon which this order is based. The investigative reports, other documents, or summaries thereof, may be filed with the Board with the stipulation. Any reports or other material related to this matter which are received after the date the Board approves the Stipulation and Consent Order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

12. Respondent waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Respondent.

13. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

14. Respondent is responsible for all costs incurred as a result of compliance with this Stipulation and Consent Order.

15. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon, introduced in any disciplinary action by either party hereto, except that Respondent agrees that if the Board rejects this Stipulation and this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

16. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States Constitutions, statutes, or rules and agrees that the order to be entered pursuant to the Stipulation shall be the final Order herein.

17. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

#### **DATA PRACTICES NOTICES**

18. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional and, as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

19. Respondent hereby acknowledges that she has read and understands this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

CONSENT:

MINNESOTA EMERGENCY MEDICAL  
SERVICES REGULATORY BOARD  
COMPLAINT REVIEW PANEL

Sharon M. Horihan EMTB MS  
SHARON M. HORIHAN, EMT  
Respondent  
MATTHEW SIMPSON  
Board Member

Dated: June 24, 2014

Dated: JULY 18, 2014

**ORDER**

Upon consideration of this Stipulation and all the files, records, and proceedings herein, IT IS HEREBY ORDERED that the Board approves and adopts the terms of this Stipulation and accepts the **VOLUNTARY SURRENDER** of Respondent's certificate to practice emergency medical services in the State of Minnesota effective this <sup>986 7/21/14</sup> 24 day of July 2014. <sub>21 day</sub>

MINNESOTA EMERGENCY MEDICAL  
SERVICES REGULATORY BOARD

By: Pamela Biladeau 7/21/14  
PAMELA BILADEAU  
Executive Director